

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON
JUNE 1997 SESSION

FILED

June 19, 1997

Cecil Crowson, Jr.
Appellate Court Clerk

JOHNNY SMITH, JR. ,)
) C.C.A. No. 02C01-9608-CR-00287
Appellant,)
) Shelby County
V.)
) Honorable Chris Craft, Judge
)
STATE OF TENNESSEE,) (Post-Conviction)
)
Appellee.)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

In 1987 the appellant, Johnny Smith, Jr., pled guilty to the unlawful possession of marijuana with intent to sell and convicted felon carrying a firearm. In 1996 he filed a petition for post-conviction relief, approximately nine years after his convictions became final. The trial court dismissed the petition on the ground that it was barred by the statute of limitations.

When appellant's convictions became final, the law allowed three years to file a petition for post-conviction relief. Tenn. Code Ann. § 40-30-102 (1990). The appellant's time period for filing his petition expired in 1990. Therefore, his petition is time barred.

Accordingly, we find no error of law mandating reversal. The trial court's dismissal of the petition is affirmed in accordance with Tenn. R. Ct. Crim. App., Rule 20.

PAUL G. SUMMERS, Judge

CONCUR:

DAVID H. WELLES, Judge

JOE G. RILEY, Judge